

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: Frank Emery Torok, II : CHAPTER 13
 : :
 : Case No. 21-12867-PMM
Debtor :

MOTION TO SELL REAL PROPERTY

AND now comes the Debtor, Frank Emery Torok, II, by and through his counsel, Charles Laputka, Esq., and pursuant to 11 U.S.C. §363(b)(1) and 11 U.S.C. § 1303, respectfully requests this Court to sell certain real property under the terms set forth below:

1. The Debtor desires and hereby proposes to sell the Debtor's real property commonly known as 5201 Stansfield Drive, Zionsville, Upper Milford Twp, Pennsylvania 18092-2088, Identification: 7074975, 21 M08ne3 006 010 (the "Property").
2. On or about April 8, 2022, the Debtor entered into an Agreement of Sale and Purchase for the Property. The Agreement of Sale and Purchase is attached hereto as Exhibit "A."
3. The current contractual sale price for the Property is \$599,900.00. *See* Exhibit "A."
4. The purchaser of the Property is John Domanski and Katherine Horner. *See* Exhibit "A."
5. The purchaser of the Property is an independent, third-party purchaser who is not related to the Debtor by blood, marriage or business association.
6. It is believed and therefore averred that proposed purchase price is the current fair market value for this arm's length transaction.
7. The proceeds of this sale will be enough to satisfy all secured claims and liens of records attached to the Property.
8. The following sales costs, liens of records, exemptions and other expenses related to this sale are to be paid out of the sale proceeds at the time of closing in the estimated amounts below:
 - a. Ordinary and reasonable settlement costs, including, but not limited to those related to notary services, deed preparation, disbursements, express shipping, surveys, municipal certifications, or any other such routine matters

- b. Liens paid at closing to satisfy secured claim of Cenlar FSB, First position Mortgage (Approximately \$159,052.61 balance) (Actual balance to be determined prior to closing).
- c. Attorney fees for Bankruptcy Motion to Sell process, Laputka Law in the amount of \$650.00.
- d. Real estate and/or any taxes, sewer, trash and/or other such items as determined necessary to pass insurable title
- e. Property repairs, if any
- f. Real estate commissions
- g. Any small (less than \$300) allowances agreed to be made to Buyer to settle any unforeseen dispute arising at settlement

7. The amount of net sale proceeds received by the Trustee will be disbursed

accordingly:

- a. First, to administrative claim and costs whose efforts and actions resulted in the sale benefiting the estate;
- b. Second, to pay the arrears on any secured claims in the Plan;
- c. Third, to any unsecured and under-secured creditors pro-rata pursuant to the priorities set forth in 11 U.S.C. § 726;

Wherefore, the Debtor, Frank E. Torok, II, respectfully request that this Honorable Court to enter an Order permitting the sale of the Debtor's real property commonly known as 5201 Stansfield Drive, Zionsville, Upper Milford Twp, Pennsylvania, 18092-2088.

Respectfully Submitted:

Dated: April 12, 2022

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